

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

SHABTAI SCOTT SHATSKY, *et al.*,

Plaintiffs,

vs.

THE PALESTINE LIBERATION  
ORGANIZATION, *et al.*,

Defendants.

No. 18 Civ. 12355 (MKV)(DCF)

**DECLARATION OF ARIEH DAN SPITZEN**

Arieh Dan Spitzen hereby declares as follows:

1. I respectfully submit this declaration to provide certain information to the Court.

This declaration has the following sections:

- I. A description of my background.
- II. A description of the laws, policies and practices of the Palestine Liberation Organization (“PLO”) and Palestinian Authority (“PA”) for making payments to designees of imprisoned terrorists and to families of so- called “shahids” (“martyrs”), including suicide terrorists.
- III. A discussion of statements of the PLO and PA after April 18, 2020, confirming that they continue to pay designees of imprisoned terrorists and families of “shahids.”
- IV. A list of the names of certain suicide terrorists along with the date and location of the terrorist attacks in which they were killed, as well as a discussion of the sources used for this summary.

**I. Professional Background**

2. In 1970, I joined the Israel Defense Forces (“IDF”), serving in an elite unit as the Israeli equivalent of a Navy Seal. In 1972, I transferred to the IDF’s Intelligence Unit, where I served until 1974. Then I enrolled at Hebrew University in Jerusalem, specializing in Middle East,

Arabic, and Jewish History, and graduating cum laude in 1976. I subsequently returned to the IDF, to its Palestinian Affairs Department (“PAD”) in the West Bank.

3. In 1976, I established the Research Section of the Advisor for Arab Issues in the Military Government in the West Bank (subsequently known as the Civil Administration) and served as its Section Head until 1978. With the exception of the years between 1978 and 1981, when I served as a researcher-assistant dealing with issues concerning the integration of the Arab population within Israel’s society and establishment, I remained in the PAD for the next 30 years.

4. After returning to the PAD in 1981, I resumed my role as Section Head of the Research Section of the Advisor for Arab Issues in the Military Government in the West Bank until 1993. In that capacity, I dealt with socio-economic and political research regarding the Palestinians, focusing on political and social trends among the population. In that position, I wrote or oversaw the writing of hundreds of research papers, staff papers, articles, anthologies, and fundamental studies in civilian matters that served the decision-making echelons of various elements of the Israeli government including the Ministry of Defense.

5. From 1993 to 1996, I was assigned to the negotiation team for the Oslo Peace Accords and served as a member of teams that negotiated the transfer of civilian authorities from the Civil Administration to the PA. From 1996 to 1998, I supervised the activity of civilian coordination in the West Bank vis-à-vis the PA’s Ministry of Civil Affairs and other civilian offices. From 1998 to 2000, I was Department Head for Palestinian Issues in the West Bank at a rank of Colonel. As a senior consultant in the system, I served during the same period as the Coordinator for Arab Issues for the Operation Coordinator.

6. From 2001 to 2009, I was Department Head for Palestinian Issues in the Administered Territories as the Coordinator of Government Activities in the Territories

(“COGAT”). By virtue of this position, I was a professional instructor and the top authority regarding the socio-economic civilian situation in the Palestinian arena in the West Bank and Gaza Strip. I wrote hundreds of surveys and studies about the civilian situation, the various political trends and how they were operationalized, the social trends, the economic atmosphere and its influence, and other diverse civilian issues connected to the civilian Palestinian realm, including terrorist organizations.

7. I have served as an expert witness about Palestinian terrorism in fourteen federal civil terrorism cases in the United States: *Linde, et al. v. Arab Bank, Plc* (in which I testified for five days in a six-week jury trial in 2014); *Gill v. Arab Bank, Plc*; *Strauss, et al. v. Crédit Lyonnais, S.A.*; and *Weiss, et al. v. National Westminster Bank Plc*—all in the United States District Court for the Eastern District of New York; *Fraenkel, et al. v. Islamic Republic of Iran, et al.*; *Braun, et al. v. Islamic Republic of Iran, et al.*; *Shatsky, et al. v. Syrian Arab Republic, et al.*; and *Force, et al. v. Islamic Republic of Iran, et al.*—all in the United States District Court for the District of Columbia; *Weinstock, et al. v. Islamic Republic of Iran, et al.*; *Weinstock, et al. v. Mousa Mohammed Abu Marzook*; and *Weinstock, et al. v. Hamas*—all in the United States District Court for the Southern District of Florida; and *Schwartz, et al. v. Islamic Republic of Iran*; *Henkin, et al. v. Islamic Republic of Iran, et al.*, and *Sokolow, et al. v. The Palestine Liberation Organization, et al.*—all in the United States District Court for the Southern District of New York.

## **II. The PLO’s and PA’s Laws, Policies and Practices For Terror Payments**

8. The PLO and PA have continuously rewarded terrorists since they were established in 1964, and 1994, respectively. Of relevance here, the families of “shahids,” and the prisoners and ex-prisoners imprisoned for committing terror attacks, receive special honor and payment.<sup>1</sup>

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<sup>1</sup> In the Islamic faith, a “shahid” is a martyr who has died for the sake of Allah. The PLO and the PA have adopted this term to refer to a person, even a secular person, who dies in the context of

Defendants' Rule 30(b)(6) witnesses deposed in this action have confirmed that the PA has been paying and continues to pay allowances to families of shahids, as well as prisoners and ex-prisoners.<sup>2</sup>

9. While this Declaration focuses on payments and other benefits of monetary value, it is useful to begin by recalling that the PLO and PA glorify "shahids" and prisoners, singling them out for special standing and symbolic tributes. January 7 is officially designated as the annual day for saluting "the Palestinian Shahid." The decision to set aside an annual day for remembering the Palestinian shahids was approved by the PLO in 1969. And in 1974, the Palestinian National Council designated April 17 as Palestinian Prisoners Day.

10. The PLO and PA provide terrorist prisoners, terrorists released from prison, and families of shahids (including suicide terrorists) with monthly payments and other financially valuable benefits including one-time grants, free legal representation, free medical care, and free tuition. These benefits are not social welfare or charity to the needy. The grants and benefits are bestowed on rich and poor alike, without regard for the recipients' financial condition. Addressing the shahid program in 2007, the World Bank stated: "The program is clearly not targeted to the poorest households....[and] the level of resources devoted to the Fund for Martyrs and the Injured does not seem justified from a welfare or fiscal perspective."<sup>3</sup> Shahid files do not include

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Palestinian "resistance" to Israel, including suicide terrorists. As a former PA Minister for Prisoners Affairs testified: "We refer to people who died ... serving the Palestinian people, we call them 'shahids.'" Deposition of Ashraf al-Ajrami p. 81, *Saperstein v. Palestinian Auth.*, No. 04-20225-CIV (S.D. Fla. Mar. 10, 2010).

<sup>2</sup> See Exhibit 14 (excerpts of transcript of Abdel Jabbar Salem's deposition, dated July 27 and 28, 2021) at 27; Exhibit 15 (excerpts of transcript of Farid Ahmed Abed Hafez Ghannam's deposition, dated July 29 and 30, 2021) at 28, 60, 146.

<sup>3</sup> World Bank Report No. 38207-WBG, *West Bank and Gaza Public Expenditure Review Vol. 2* at 169-70 (2007) <http://documents1.worldbank.org/curated/en/311981468320951707/text/382071GZ0v2.txt>.

socioeconomic reports surveying the situation of the family that receives financial support, as the financial condition of the family is not a consideration in the awarding of such support.

11. Similarly, addressing the prisoner payment program, former Minister of Prisoners Affairs Ashraf al-Ajrami testified that the program is not needs-based, the Ministry paid “around 11,000” prisoners, and “we paid all of them without any exception.”<sup>4</sup> Thus, although Defendants’ designated Rule 30(b)(6) witness concerning payments to imprisoned and formerly-imprisoned terrorists claimed at his deposition in this case that the financial condition of a terrorist or his or her family is considered in connection with prisoner payments, the witness was unable to point to any document in the prisoner files concerning the financial condition of the prisoners or their families receiving support.<sup>5</sup>

12. Prisoners convicted of terrorism and who served or are still serving their terms are considered and are treated by the PA and PLO as national heroes. To take one recent example out of hundreds, the Prisoners and Ex-Prisoners Commission (discussed below) published a statement in April 2018 that: “The sector of prisoners and detainees is considered one of the most important sectors in the Palestinian national movement.”<sup>6</sup>

#### **A. Payments to the Families of Suicide Terrorists**

13. The Institution for Families of the Martyrs and the Injured (hereafter, “the Institution”) makes payments to the families of terrorists killed or injured in the course of carrying out terrorist attacks. The Institution provides payments to families of terrorists killed while perpetrating terror attacks specifically because of the relevant individual’s death. If not for the

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<sup>4</sup> Deposition of Ashraf al-Ajrami p. 45, *Saperstein v. Palestinian Auth.*, No. 04-20225-CIV (S.D. Fla. Mar. 10, 2010).

<sup>5</sup> See Ex. 14 (Salem deposition) at 188-194.

<sup>6</sup> The statement is available at: <https://tinyurl.com/y26r68cb>.

death of the family member while executing a terrorist attack, the family would be ineligible for payments or benefits from the Institute.

14. The practice of the Institution is to make monthly payments to families of all shahids.<sup>7</sup> The Institution also pays for additional benefits to the families — for example, it covers tuition fees.<sup>8</sup> The Institution evaluates the case of each shahid using a “Social Examination” form.<sup>9</sup> Using the Social Examination form, the Institution evaluates information about the deceased and the family, the date, place, circumstances of his or her death, and proof of death.<sup>10</sup>

15. As an example, I have attached the shahid file (the Social Examination or The Social Report) relating to Sadeq Ahed Mahmoud Abdel Hafez (“Abdel Hafez”) that the Institution prepared in connection with the Defendants’ determination to pay an allowance to his family.<sup>11</sup> Abdel Hafez was a Popular Front for the Liberation of Palestine (“PFLP”) operative and the suicide bomber who carried out the February 16, 2002 terror attack in Karnei Shomron (the “Karnei Shomron Bombing”) that killed four people (including two of the Plaintiffs in this case) and injured twenty-seven others, and that caused the injuries for which Plaintiffs in this action seek to recover.

16. I examined official police documents contained in the Israeli police investigation file for the Karnei Shomron Bombing, which is designated File Number 901/02 (Samaria Regional Station (the “Police File”). Those documents include tests and analysis from the police explosives

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<sup>7</sup> See Palestinian Authority Ministry of Finance, Budget Book 2018, p.739, [http://www.pmf.ps/pmf/documents/budget/2018/BUDGET\\_BOOK\\_2018.pdf](http://www.pmf.ps/pmf/documents/budget/2018/BUDGET_BOOK_2018.pdf).

<sup>8</sup> *Id.*, pp. 739-740.

<sup>9</sup> Decision No. 392 of 2005, published in Issue No. \_65\_ of the PA’s Official Gazette, June 2006, page 502. See <http://muqtafi.birzeit.edu/pg/getleg.asp?id=15303>; [https://www.lab.pna.ps/cached\\_uploads/download/2018/01/28/65-1517150633.pdf](https://www.lab.pna.ps/cached_uploads/download/2018/01/28/65-1517150633.pdf).

<sup>10</sup> The Institution’s procedures may be found on its Facebook page, <https://www.facebook.com/922497227847386/photos/a.922514464512329/2799822073448216/>.

<sup>11</sup> See Exhibit 3 (JD00977-JD00980).

laboratory regarding the explosive device that the terrorist used, forensic and crime scene reports, photographs from the scene of the attack, and pathology reports. The photographs from the scene show that Abdel Hafez was pulverized beyond recognition by the explosion. Police memoranda and court documents in the Police File for the Karnei Shomron Bombing show that at the request of the police, and pursuant to a court order, Hafez's identity was checked and confirmed by the National Centre of Forensic Medicine in Tel Aviv, on the basis of DNA samples provided by his parents.

17. The shahid file for Abdel Hafez does not include information concerning his or his family's socio-economic situation or financial state at any time, either before or after Abdel Hafez's death, or any determination that Abdel Hafez's death warranted payment to his family for reasons of financial or economic need. Indeed, contrary to the notion that any such need existed, the shahid file reflects that Abdel Hafez's family owned a private house.<sup>12</sup> Additional documentation reflects that the head of the Abdel Hafez family – which was not large in comparison to the average Palestinian family – worked as a carpenter in Israel, and then was the owner of a restaurant in the city of Qalqilya (two fields that provide comparatively good salaries).<sup>13</sup> The head of the Abdel Hafez family also maintained bank accounts in three different banks, and it is logical that he needed them for his businesses.<sup>14</sup> Moreover, Abdel Hafez's father was awarded a grant of twenty thousand Saudi rials (USD 5,315 according to the exchange rate during the relevant period), a special grant for families of shahids that the Saudi Committee for the Support of the Al-Quds Intifada granted to Palestinians during the period referred to by the Palestinians as

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<sup>12</sup> *Id.* at JD00978.

<sup>13</sup> *See* Exhibit 16.

<sup>14</sup> *See* Exhibit 17.

the Al-Aqsa Intifada (also known as the Al-Quds Intifada).<sup>15</sup> This sum was a significant amount of money at that time in the PA territories, where the annual GDP per capita at the time of receiving the grant was approximately USD 1,100 (meaning the grant received by the terrorist's father was worth approximately four and a half years' worth of GDP per capita).<sup>16</sup>

18. Moreover, one should bear in mind that shahids' families received allowances from other funds and charitable societies. Thus, for example, Abdel Hafez's name appeared on the lists of shahids that the Iranian Institute For The Palestinian Shahid published on its website in 2002.<sup>17</sup> This institute funneled millions of dollars to Al-Ansar charitable society in Gaza, that supported families of shahids from all over the PA territories and beyond. There might be other charitable societies that supported the family as well.

19. Despite the fact that the financial and socioeconomic status of Abdel Hafez's family was stable and strong, an analysis of the shahid file for Abdel Hafez shows that the PA was aware that Abdel Hafez was a terrorist and member of the PFLP – designated a terrorist organization by Israel, the United States, and Europe<sup>18</sup> – who had carried out the February 16, 2002 terrorist attack, and the PA decided to grant a monthly allowance to Abdel Hafez's family by reason of his commission of that attack.

20. The Institution will not provide payments in respect of persons engaged in ordinary street crime. Rather, as Defendants' Rule 30(b)(6) witness testified, entitlement to payment by the

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<sup>15</sup> See Exhibit 18.

<sup>16</sup> See <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=PS>.

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<https://web.archive.org/web/20080828160459/http://www.shahidpalestine.org/shouhada/intifadaaksa/shohadaa%202002.htm>, February, 2002.

<sup>18</sup> [http://www.mod.gov.il/Defence-and-Security/Fighting\\_terrorism/Pages/default.aspx](http://www.mod.gov.il/Defence-and-Security/Fighting_terrorism/Pages/default.aspx) (Israel); <https://www.state.gov/foreign-terrorist-organizations/> (United States); <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R0790> (Europe).



Institution depends on the commission of a terrorist act, which the witness described as an action of a political or security nature.<sup>19</sup> Individuals who are adjudged eligible for financial assistance by reason of their socioeconomic status are the responsibility of the Palestinian Ministry of Social affairs, from which they receive social allowances.

21. Thus, in a 2016 decision, the PA's Supreme Court of Justice decided that the Institution was justified in refusing to pay benefits in the case of a Palestinian man who was shot by Israeli soldiers during the course of a regular (*i.e.*, non-terrorist) crime, because the man was not shot in the course of "resistance activities" or "militant activities."<sup>20</sup>

22. The Institution is an official part of the PLO. The Institution was founded in 1965 by Fatah, and in 1971 the PLO's Palestinian National Council declared it an official institution of the PLO.<sup>21</sup> In 1994, it was transferred to the PA's Ministry of Social Affairs.<sup>22</sup> At that time (as now) the head of the Institution was Ms. Intisar al-Wazir, who became a minister in the PA in 1994.<sup>23</sup> In 2005, following the conclusion of Ms. al-Wazir's service as a PA minister, the Institution was transferred back to PLO in a decree by Mahmoud Abbas, signed in his capacity

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<sup>19</sup> See Ex. 14 (Salem deposition) at 76-78, 86-88, 183.

<sup>20</sup> See *Sarsour v. Attorney General*, Case No. 144/2015 (2016), available at <http://muqtafi2.birzeit.edu/muqtafi2/transform/fulltext//L2RiL211cXRhZmkvanVkZ21lbnQveG1sL2p1ZGdtZW50L1dCX0hDSi9BZG1pbmlzdHJhdGl2ZS8yMDE2LTA0LTExLzE0NF8yMDU1LnhtbA>.

<sup>21</sup> See [https://info.wafa.ps/ar\\_page.aspx?id=fCJqTua27460929309afCJqTu](https://info.wafa.ps/ar_page.aspx?id=fCJqTua27460929309afCJqTu).

<sup>22</sup> The PA's Ministry of Social Affairs was declared in 1994, when the Palestinian Government was declared. See <http://palestinecabinet.gov.ps/GovService/GOSPub/ViewDetails?ID=29>; The first Palestinian government included Ms. Intisar al-Wazir as the Minister of Social Affairs. See [https://wafa.ps/ar\\_page.aspx?id=GqP9DNa851111782521aGqP9DN](https://wafa.ps/ar_page.aspx?id=GqP9DNa851111782521aGqP9DN).

<sup>23</sup> [https://wafa.ps/ar\\_page.aspx?id=GqP9DNa851111782521aGqP9DN](https://wafa.ps/ar_page.aspx?id=GqP9DNa851111782521aGqP9DN).

both as Chairman of the PLO and as President of the PA.<sup>24</sup> The Institution continues to be part of the PLO.<sup>25</sup>

23. The Institution is also a part of the PA. The PA's website states that the Institution is part of its organizational structure.<sup>26</sup> Moreover, the Institution is funded by the PA's Ministry of Finance. In March 2019, for example, Ms. al-Wazir announced that some allowances would not be paid in full that month, adding: "We sent all the names to the Finance Ministry as usual, but they answered that we must reduce the names, and sent us a disc with names for which the salaries had been stopped this month."<sup>27</sup>

#### **B. Payments to the Designees of Imprisoned and Released Terrorists**

24. The Commission for Prisoners and Ex-Prisoners (the "Commission") makes payments to the designees of prisoners imprisoned for perpetrating terror attacks. The Commission pays the prisoners' designees specifically because of the relevant individual's

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<sup>24</sup> Decision number 303 from 2006, which was published in Issue No. 66 of The PA's Official Gazette, July 2006, page 35, (announcing "the reconfirmation of our sister Intisar al-Wazir as head of the Palestine Liberation Organization's Institution for Families of the Martyrs and the Injured"), [https://www.lab.pna.ps/cached\\_uploads/download/2018/01/28/66-1517150633.pdf](https://www.lab.pna.ps/cached_uploads/download/2018/01/28/66-1517150633.pdf); see also the World Bank Report No. 38207-WBG, *West Bank and Gaza Public Expenditure Review From Crisis to Greater Fiscal Independence* Volume II of II, March 2007, <http://documents1.worldbank.org/curated/en/311981468320951707/text/382071GZ0v2.txt>.

<sup>25</sup> A tender on behalf of the Institution, captioned by the symbol of the PLO, was published in the Palestinian newspaper Al-Ayyam in November 2018: <https://www.al-ayyam.ps/pdfs/2018/11/08/p05.pdf>. In March 2019, an item appeared on the Al-Watan website that refers to the Institution as a PLO institution: <https://www.alwatanvoice.com/arabic/news/2019/03/11/1224236.html>. On the Institute's official Facebook page, the Institution's logo can be seen and above it the name of the PLO: <https://www.facebook.com/FWPAl>. That the Institution is a part of the PLO may also be inferred from the latest Facebook page that declares itself the Institution's Jerusalem page.

<sup>26</sup> <http://palestinecabinet.gov.ps/GovService/GOSPub/Default>.

<sup>27</sup> <https://www.alwatanvoice.com/arabic/news/2019/03/03/1222052.html>.

imprisonment for terrorism. If not for the imprisonment, the designee would be ineligible for payments or benefits from the Commission.

25. The Commission's website describes the functions of the Commission, which provides monthly payments and benefits to prisoners, ex-prisoners, and their families.<sup>28</sup> The Commission's website says that these payments and other benefits are provided in "recognition of the legitimacy of the Palestinian and Arab prisoners' and detainees' national struggle and of their resistance to occupation."<sup>29</sup>

26. The benefits provided by the Commission are also detailed on the official website of the PA Council of Ministers, under the heading "Guide to Government Services."<sup>30</sup> The guide states that the Commission provides payments and other benefits to prisoners if "the prisoner was imprisoned as a result of his participation in the struggle against the Occupation," and details seventeen types of benefits to which prisoners and ex-prisoners and their designees are entitled.<sup>31</sup>

27. Consistent with information that the PA publishes on its website under the heading "Payment of salaries to prisoners and ex-prisoners," Defendants' testified that the amounts of the monthly payments are set according to the length of the prisoner's sentence.<sup>32</sup> The longer the sentence, the higher the payment. The highest payment on the scale – 12,000 shekels (more than \$3,500 in today's terms) – goes to a prisoner sentenced to 30 years' imprisonment or more, a

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<sup>28</sup> <http://cda.gov.ps/index.php/ar/alhayia/2017-05-24-11-46-52>.

<sup>29</sup> *See id.*

<sup>30</sup> <http://palestinecabinet.gov.ps/GovService/List?OrgId=36>. See there also the topics of assistance to prisoners.

<sup>31</sup> *Id.*; see <http://www.palestinecabinet.gov.ps/portal/GovService/Details/2871>.

<sup>32</sup> *See* Ex. 14 (Salem deposition) at 46, 183; *see also* <http://palestinecabinet.gov.ps/GovService/ViewService?ID=169>.

punishment imposed on those convicted of committing or attempting murder.<sup>33</sup> The payments are not need-based, and in practice they significantly improve the conditions of the recipients as compared with the general population. This is illustrated by economic figures from 2018. According to data from the PA, the basic monthly grant for a prisoner serving 30 years in prison (with no increment for wife and children) is 12,000 shekels (as of 2018, roughly \$3,500), a sum approximating the annual local GDP per person. In other words, a terrorist serving a 30-year sentence is able to direct to his family or other designees — every month — the equivalent of a full year's worth of economic activity for the average Palestinian.<sup>34</sup> Each monthly prisoner payment is five times the average monthly salary in the West Bank (\$700) and more than eight times the average monthly salary in Gaza (\$408).<sup>35</sup>

28. The Commission also pays allowances to the designees of ex-prisoners (who are typically the ex-prisoners themselves). In 2011 the PA's Minister for Prisoners and Ex-Prisoners, Issa Qaraqi, told Wafa, the official PLO and PA press service, that the Ministry had paid \$1.2 million in salaries to 1,212 former prisoners released in 2007, 2008, and 2009.<sup>36</sup>

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<sup>33</sup> For details, see the table that appears in Government Decision No. 23 from 2010: [https://www.lab.pna.ps/cached\\_uploads/special\\_uploads/asra.pdf](https://www.lab.pna.ps/cached_uploads/special_uploads/asra.pdf), the table is article 12, p. 60.

<sup>34</sup> See the 2019 report from the Palestinian Central Bureau of Statistics, pp. 5, 13, [http://www.pcbs.gov.ps/portals/\\_pcbs/PressRelease/Press\\_En\\_30-9-2019-qna-en.pdf](http://www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_30-9-2019-qna-en.pdf).

<sup>35</sup> Report of the Palestinian Central Bureau of Statistics, p. 5, [http://www.pcbs.gov.ps/portals/\\_pcbs/PressRelease/Press\\_En\\_8-5-2018-LF-en.PDF](http://www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_8-5-2018-LF-en.PDF).

<sup>36</sup> [https://www.wafa.ps/ar\\_page.aspx?id=7J499Ma575278535073a7J499M](https://www.wafa.ps/ar_page.aspx?id=7J499Ma575278535073a7J499M).

29. Other benefits, which are detailed on the PA's website, include loans to ex-prisoners and their families;<sup>37</sup> free legal advice and assistance for terrorist prisoners;<sup>38</sup> free medical insurance;<sup>39</sup> free tuition;<sup>40</sup> and an end-of-imprisonment grant.<sup>41</sup>

30. In order to renew allocations and to obtain other financial benefits, the designee of the prisoner must fill out a form and provide documentation to the Commission. For "sentenced prisoners," the "required documents" include "a Red Cross certificate stating the period of the sentence and the verdict itself, in Hebrew."<sup>42</sup>

31. The prisoners' entitlements are set forth in numerous laws and regulations of the PLO and the PA, which have developed over a period of years. In 2004, the PLO and PA adopted the Prisoners and Ex-Prisoners Law, No. 19, of 2004.<sup>43</sup> The law entitles "each prisoner, without discrimination, [to] a monthly allowance while he is in prison" (Article 6). In addition to the monthly allowance, the law further requires each prisoner to select a designee to receive a monthly payment:

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<sup>37</sup> <http://www.palestinecabinet.gov.ps/portal/GovService/Details/739>.

<sup>38</sup> <http://www.palestinecabinet.gov.ps/portal/GovService/Details/167>.

<sup>39</sup> <http://www.palestinecabinet.gov.ps/portal/GovService/Details/743>.

<sup>40</sup> <http://www.palestinecabinet.gov.ps/portal/GovService/Details/749>; see also <http://www.palestinecabinet.gov.ps/portal/GovService/Details/750>.

<sup>41</sup> <http://www.palestinecabinet.gov.ps/portal/GovService/Details/754>.

<sup>42</sup> <http://www.palestinecabinet.gov.ps/portal/GovService/Details/3098>. A copy of this page is attached as Exhibit 2. For an earlier version of the documentation requirements, see Art. 10 of the 2006 regulations, attached hereto as Exhibit 1 (requiring the prisoners' relatives to produce "the charge sheet issued by the Israeli military prosecutor" and "the sentence, if the Israeli courts have sentenced him").

<sup>43</sup> The text of this law is attached as Exhibit 1. Defendants' Rule 30(b)(6) witness in this case concerning payments in respect of imprisoned and formerly-imprisoned terrorists confirmed that decisions regarding which prisoners and ex-prisoners receive payments are made according to this law. See Ex. 14 (Salem deposition) at 36-37, 40-41.

1. The Authority must give every prisoner a monthly salary specified by the system, to be proportionate with the cost of living.
2. Prisoners' family members shall receive a portion of the prisoners' salary based on the standard of legal expenditure in effect.
3. The prisoner shall appoint an agent to collect his monthly salary or what remains of it.

32. Additionally, in 2008, the PA's Council of Ministers issued a determination that a prisoner's "period of captivity" in Israeli prison would be included as "national service" for the purpose of computing the pensions of employees of the PLO.<sup>44</sup> In 2011, the PA issued a decree providing that prisoners shall be treated as PA employees and formally protecting the prisoners' right to a salary; a table sets out the monthly payments according to the recipient's period of imprisonment, with longer sentences entitling the prisoner to a higher monthly payment.<sup>45</sup>

33. The PA's Ministry of Finance funds the Commission. By law, the Commission has an independent line-item in the PA's general budget and is subject to the PA's rules of financial and administrative oversight. Details of the budget appear annually in the published Palestinian Authority's Budget Book.<sup>46</sup> In July 2020, Qadri Abu Bakr, the Commission's Chairman, said that the PA's Ministry of Finance had transferred the prisoner payments to the bank accounts of the prisoners and ex-prisoners, adding that the Commission was monitoring the payments along with the Prime Minister's Office and the Palestinian Monetary Authority.<sup>47</sup> The background context in which this statement was made is discussed below in Part IV.

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<sup>44</sup> <http://muqtafi.birzeit.edu/pg/getleg.asp?id=16140>.

<sup>45</sup> Decision No. 23 for 2010, [https://www.lab.pna.ps/cached\\_uploads/special\\_uploads/asra.pdf](https://www.lab.pna.ps/cached_uploads/special_uploads/asra.pdf), pp. 58-60.

<sup>46</sup> For example, see [http://www.pmf.ps/pmf/documents/budget/2018/BUDGET\\_BOOK\\_2018.pdf](http://www.pmf.ps/pmf/documents/budget/2018/BUDGET_BOOK_2018.pdf), pp. 174-186.

<sup>47</sup> <https://tinyurl.com/yxtboscx>.

34. As a matter of form, the PLO and the PA have transferred the administration of the prisoner payment program back and forth between themselves numerous times. Before the PA was formed, support for prisoners was handled by the PLO's Institution (described above). In 1998, Yasser Arafat, in his capacity as Chairman of the PLO and President of the PA, issued a decree, based on a previous decree (Decree No. 1 from 1996), establishing a Ministry for Prisoners' Affairs among other ministries of the government.<sup>48</sup> In 2014, the PLO and PA established the Commission and transferred the Ministry's functions to it, pursuant to a decree issued by Mr. Abbas in his capacities as both Chairman of the PLO and President of the PA.<sup>49</sup> And in 2018, the PLO and PA adopted a law,<sup>50</sup> also signed by Mr. Abbas in his capacities as Chairman of the PLO and President of the PA, which transferred the Commission and its functions back to the PA. At present, the Commission's website is located on the PA's official internet domain, "gov.ps."<sup>51</sup>

35. In practice, the prisoner payment program has been and remains simultaneously controlled and operated by both the PLO and the PA. As noted above, the PA's website lists the Commission as a provider of "Government Services."<sup>52</sup> The PLO website also describes the Commission as a part of the PLO.<sup>53</sup> The relevant laws and decrees have all been signed by the Chairman of the PLO and the President of the PA, who is the same person, in the exercise of both

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<sup>48</sup> <http://muqtafi.birzeit.edu/pg/getleg.asp?id=12678>.

<sup>49</sup> <https://library.palestineeconomy.ps/public/files/server/20151412112948-2.pdf>, pp. 10-11; see <http://www.plo.ps/category/125/1/>; see also WAFA's 2014 announcement of the change at [https://info.wafa.ps/ar\\_page.aspx?id=3795](https://info.wafa.ps/ar_page.aspx?id=3795).

<sup>50</sup> The complete law as published in the Official Gazette of the Palestinian Authority: [http://www.pmf.ps/pmf/documents/budget/2018/BUDGET\\_BOOK\\_2018.pdf](http://www.pmf.ps/pmf/documents/budget/2018/BUDGET_BOOK_2018.pdf), pp. 174-186.

<sup>51</sup> See "Registration Policy" of the Palestinian National Internet Naming Authority, at <http://www.pnina.ps/registration-policy/> at article 3.7.2 (explaining that the "gov.ps" domain is reserved for PA institutions).

<sup>52</sup> <http://palestinecabinet.gov.ps/GovService/List?OrgId=36>.

<sup>53</sup> <http://www.plo.ps/category/125/1>.

capacities. The Chairman of Commission itself, Qadri Abu Bakr, is also a member of the PLO's Palestinian National Council,<sup>54</sup> and has remained at the head of the Commission from his appointment in 2015 to today without change as the Commission has shifted from the PLO to the PA.<sup>55</sup> And no significant administrative change has been announced as a consequence of the formal transfer of the Commission from the PLO back to the PA.

### **III. Statements of the PLO and PA after April 18, 2020 that They Continue to Make Prisoner and Shahid Payments**

36. Since April 18, 2020, the PLO and PA have made numerous statements that they are continuing their programs to pay all designees of prisoners and families of shahids. Some context for these statements is useful.

37. In the last few years, several governments have taken steps to persuade the PLO and the PA to halt paying terrorists and their families. In March 2018, the U.S. Congress passed the Taylor Force Act, 22 U.S.C. § 2378c-1, which denies U.S. financial assistance to the PA for so long as it continues to pay terrorists or their families. In July 2018, Israel's Knesset passed a law that froze funds transferred to the PA in amounts equal to the amounts that the PA pays in connection with terrorism.<sup>56</sup> And in February 2020, the IDF issued an order providing that if payments for Palestinian prisoners and for the families of shahids pass through a bank in the West Bank, that bank would be in violation of Israel's Anti-Terror Law, and that the bank's management and employees would be accessories to a crime if they continue to administer the prisoners'

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<sup>54</sup> <http://cda.gov.ps/index.php/ar/alhayia/2017-05-24-09-17-16>.

<sup>55</sup> On July 28, 2015, the website of the Commission for Prisoners and Ex-Prisoners published a profile of General Abu Bakr: <http://cda.gov.ps/index.php/ar/alhayia/2017-05-24-09-17-16>; see also Order No.74 from 2018. <http://muqtafi.birzeit.edu/pg/getleg.asp?id=17061>.

<sup>56</sup> The law is available at [https://fs.knesset.gov.il/20/law/20\\_lsr\\_502711.pdf](https://fs.knesset.gov.il/20/law/20_lsr_502711.pdf), pp. 732–734.



accounts, and subject to punishment of up to ten years in prison.<sup>57</sup> That order was scheduled to take effect May 9, 2020.

38. In response to the IDF order, a few banks in the West Bank did halt, for a time, the transfer of payments to some of the accounts of the prisoners and their families. The PLO and PA denounced these steps and made statements and took actions to ensure the continuation of the payments, even at the cost of harsh financial sanctions imposed on them for such support. Senior Palestinian officials spoke repeatedly against attempts to deprive the prisoners and the shahids' families of material benefits, stressing their importance to the PLO and PA.

39. The matter of the ongoing allowances paid by the PA to security prisoners and to the families of the shahids has not fallen from the Palestinian agenda. Those groups of people were party to wreaking terror, in its various forms, against Israel; and accordingly, in response to the allowances, Israel and the United States responded with steps intended to stop the payments to terrorists and their families.

40. The Palestinian leadership considers it a national obligation to continue the payments to those groups, and the Palestinian population highly appreciates and respects them. Accordingly, senior PA figures continue making public statements both of support for the prisoners and shahids and of determination to continue paying allowances to the perpetrators of terrorist acts and to their families. While still transferring the allowances to those groups, the PA is attempting to find channels of payment that will bypass the threat of sanctions against the Palestinian banks. Thus, it is trying to obfuscate the fact that these grants are intended as rewards for the wreaking of terror and to disguise them as salaries. For example:

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<sup>57</sup> See Clause 10 of Amendment 67 to Military Order 1827 (Feb. 2020), available at <https://tinyurl.com/y6cf3yt6>; see also <https://www.terrorism-info.org.il/en/news-terrorism-israeli-palestinian-conflict-may-6-12-2020/>, p. 13.

41. On May 8, 2020, the PA's official spokesman, Ibrahim Milham, announced:

The government confirms that it refuses to bow to Israeli pressure, will remain loyal to the prisoners and the martyrs, and will preserve their rights, regardless of how much pressure is applied.<sup>58</sup>

42. On May 19, 2020, Mahmoud Abbas, the Chairman of the PLO and of the PA said in a speech to the Palestinian leadership in Ramallah that:

We vow to our honorable martyrs and heroic prisoners (just now, the Israelis have asked the banks not to pay the prisoners, but we shall keep paying them, no matter how much the [Israelis] scream)<sup>59</sup>

43. On June 1, 2020, WAFA reported that Qadri Abu Bakr, Chairman of the Prisoners and Ex-Prisoners Commission, stated that “the banks would continue paying the salaries of prisoners and of martyrs’ families until a dedicated banking institution is set up for them.”<sup>60</sup> WAFA reported that the proposed bank “would be considered a national achievement, since stopping the payment of those allowances would belittle the martyrs’ history and sacrifices, and act against their struggle.”<sup>61</sup> WAFA has since reported that the PA appointed Bayan Qasem as CEO of the new bank,<sup>62</sup> and that the bank is called Bank Al-Istiqlal (the Independence Bank).<sup>63</sup>

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<sup>58</sup> See Exhibit 4, <https://tinyurl.com/5c99ahfe>.

<sup>59</sup> Translation and transcript of excerpt attached as Exhibit 5. The speech may be seen at <https://tinyurl.com/yxcppq4c>. It was reported also at <https://tinyurl.com/y3cxp6us> and at <https://palwatch.org/page/17934>.

<sup>60</sup> Exhibit 6, WAFA June 1 2020, [https://www.wafa.ps/ar\\_page.aspx?id=9sGXtKa877022306193a9sGXtK](https://www.wafa.ps/ar_page.aspx?id=9sGXtKa877022306193a9sGXtK).

<sup>61</sup> *Id.*

<sup>62</sup> WAFA, Economic Portal of Palestine, July 20, 2020; see al-Iqtisadi, July 21, 2020, <https://www.terrorism-info.org.il/en/the-palestinian-authority-continues-preparations-for-founding-a-bank-which-will-enable-it-to-transfer-funds-to-terrorist-prisoners-and-the-families-of-shaheeds/>.

<sup>63</sup> See the survey from the Meir Amit Intelligence and Terrorism Information Center: <https://www.terrorism-info.org.il/en/the-palestinian-authority-continues-preparations-for-founding-a-bank-which-will-enable-it-to-transfer-funds-to-terrorist-prisoners-and-the-families-of-shaheeds/>.

44. On June 8, 2020, Mohammad Shtayyeh, the PA's Prime Minister, gave an interview on PA TV in which he said, "we continued to pay the prisoners and the shahids in full" and "[w]e will remain committed to this until Judgment Day, until we are victorious, until the bloodbath stops, and until the prisons are closed. This is one issue to which we remain committed." With regard to the February 2020 order, Shtayyeh stated:

The Israelis said: "You have to close 40,000 bank accounts that belong to prisoners." Some banks were afraid and all that, but we said to these banks: "That is a political decision. It is forbidden for Israel to expand its military rule to the Palestinian lands. Stay steadfast on this issue!" The Israelis backtracked. Just as they backtracked on this, on that, and on other things when [we] were steadfast and we persevered, I believe that on July 1 we will be in a different position.<sup>64</sup>

45. On July 5, 2020, WAFA carried a press release from Chairman Abu Bakr announcing that four banks had failed to transfer salaries to approximately 150 relatives of prisoners. According to WAFA: "Abu Bakr demanded that all banks commit to paying the prisoners' allowances and refrain from closing any of the accounts, or cancelling any of the ATM cards, considering that failing to pay the prisoners' allowances would violate the directives of the [Palestine] Monetary Authority and the government, and that it would violate the agreement that had previously been concluded."<sup>65</sup>

46. On July 9, 2020, Abu Bakr gave an interview in which he said: "Regarding the salaries, everything was fine. On Wednesday [July 8], obviously, after having discussions with

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<sup>64</sup> Exhibit 7, MEMRI, Palestinian Prime Minister Mohammad Shtayyeh: We Are Reconsidering Our 1993 Recognition of Israel; We Will Continue to Pay Salaries to Families of Prisoners and "Martyrs," <https://www.memri.org/reports/palestinian-prime-minister-mohammad-shtayyeh-we-are-reconsidering-our-1993-recognition>.

<sup>65</sup> Exhibit 8, WAFA, July 5, 2020, <https://www.wafa.ps/Pages/Details/5652>.

some of the banks that were disbursement stations, almost all of the prisoners ... we didn't receive almost any phone call from any prisoner.”<sup>66</sup>

47. On July 27, 2020, WAFA announced that the PA's General Intelligence Service had provided more than 30 special grants to families of prisoners and shahids from a single town – Jenin. WAFA reported that the payments were made “to implement what Mahmoud Abbas had repeatedly stated – that if we were left with just one penny, it would be given to the families of martyrs and prisoners.”<sup>67</sup>

48. On September 7, 2020, Abu Bakr gave a televised interview in which he said:

Question: ... you've said you'd submit your resignation, and then came the responses and the discussion, and conversations on the topic [of payments to prisoners] ...

Abu Bakr: I mean, look, we're under tremendous pressure.

Question: Yes. From whom?

Abu Bakr: From the people, of course. The prisoners' families. From incarcerated prisoners. From ex-prisoners. We have an enormous amount of requests that we're unable to handle ... And as you've said, everyone is suffering from this situation, but the prisoners are especially suffering. As for myself, I personally feel that not enough is being done, in general, and in regard to us as well. We're the ones not doing enough.

Question: Ok. This failure, I mean, prisoner affairs should be a priority for everyone, including the payment of financial allowances to them. Mr. Qadri, do you believe that there is negligence, that the prisoners' issue is being neglected, and that it isn't one of the priorities concerning financial allocations?

Abu Bakr: No. I don't think so. That's because when the Israelis blocked the clearinghouse, a full salary was paid to them. One

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<sup>66</sup> Exhibit 9, Interview of Qadri Abu Bakr, 34:45 - 37:16, available at <https://www.facebook.com/samertayem2020/videos/321807815502094>.

<sup>67</sup> Exhibit 10, WAFA, July 27, 2020, <https://www.wafa.ps/Pages/Details/6764>.

hundred percent was paid to the prisoners, and fifty percent was paid to the employees.<sup>68</sup>

49. On September 28, 2020, the official Palestinian news agency WAFA quoted Palestinian Prime Minister Shtayyeh as saying that despite financial hardships, the PA continues to pay each month various kinds of salaries, including salaries to the families of prisoners and shahids:

The Prime Minister explained that 350,000 salaries are paid every month, which go to military and civilian personnel, the needy families who amount to 120,000, including 81,000 families in the Gaza Strip, 140,000 employees in the West Bank and Gaza, in addition to 75,000 retired military and civilian personnel in the West Bank and Gaza, *as well as the families of prisoners and martyrs at home and in the Diaspora.*<sup>69</sup>

50. Notably, taking Prime Minister Shtayyeh's September 2020 figures at face value, it appears that approximately 15,000 families of prisoners and shahids are "paid every month."<sup>70</sup>

51. On March 23, 2021, the Al-Arabi al-Jadid newspaper's website<sup>71</sup> published an article stating that the Palestinian government had decided to transfer the salaries of the prisoners and ex-prisoners through the Palestinian post offices, since the banks operating in Palestine were no longer dealing with accounts for those groups. The banks' decision came in the wake of the Israeli military order<sup>72</sup> warning the banks against handling those salaries and imposing criminal responsibility on the banks and on their managers if they violated the order.

<sup>68</sup> Exhibit 11, see [https://www.youtube.com/watch?v=UBJcFvBRsfc&feature=emb\\_logo](https://www.youtube.com/watch?v=UBJcFvBRsfc&feature=emb_logo).

<sup>69</sup> Exhibit 12 (emphasis added), WAFA, September 28, 2020, <https://english.wafa.ps/Pages/Detailes/120374>.

<sup>70</sup> *Id.* (350,000 total allowances "each month," less 120,000 "needy," less 140,000 employees, less 75,000 retired employees, leaves 15,000 allowances).

<sup>71</sup> <https://tinyurl.com/2jvc23k8>.

<sup>72</sup> See Clause 10 of Amendment 67 to Military Order 1827 (Feb. 2020), available at <https://tinyurl.com/y6cf3yt6> see also <https://www.terrorism-info.org.il/en/news-terrorism-israeli-palestinian-conflict-may-6-12-2020/>, page 13.

52. On June 7, 2021, the website of WAFA, the PA's official news agency,<sup>73</sup> published an item saying that the PA's Ministry of Post and Telecommunications was undertaking a service at the post offices, which are under its responsibility, for payment of the "salaries" (meaning the allowances to families of prisoners, to ex-prisoners, to the injured, and to the families of shahids). The service includes installing ATMs at the post offices and distributing magnetic bank-account cards to the beneficiaries. The cards have been loaded with the allowances, and the beneficiaries can withdraw the allowances in cash from the ATMs that are located in the post offices. The service is intended to bypass the need for using the services of commercial banks, in the wake of the above-mentioned Israeli order.

53. At the launch ceremony for the ATMs in Ramallah, with participation by the Palestinian Ministry of Finance, the Commission, and the Institution, the PA's Minister of Communications, Is'haq Sidr, declared: "It is our duty to continue working to serve those of our people who have made sacrifices for the attainment of independence and freedom."

54. The Chairman of the Commission, Qadri Abu Bakr, said at the ceremony that the Palestinian leadership holds firm in its promise to continue transferring the allowances to the prisoners and to their families. The Director General of the Institution, Khaled Jabarin, said that the leadership considers the issue of the prisoners, injured, and shahids a red line that must not be crossed.<sup>74</sup>

55. An official Palestinian government publication quoted the PA Prime Minister as saying, at a PA cabinet meeting on July 12, 2021, that the Israeli cabinet had decided to deduct NIS 597 million from tax revenues that Israel would otherwise have remitted to the PA because of

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<sup>73</sup> <http://www.wafa.ps/Pages/Details/27376>.

<sup>74</sup> *See id.*

“the continued commitment to the families of the shahids, the prisoners, and the wounded; and that measure is illegal.”<sup>75</sup>

56. On July 12, 2021, the WAFA website<sup>76</sup> published an announcement on behalf of the PLO’s Palestinian National Council (“PNC”) saying that in the PNC’s view the “Israeli Occupation Government,” by deciding to deduct the money allocated to the prisoners and their families, and to the shahids and their families, from the tax revenues which it collected on behalf of the “State of Palestine”, was committing “a new crime adding to the string of daily punishments and wrongs that the extremist settler government imposes on the Palestinian nation.” In its announcement, the PNC declared that the decision was illegal. The PNC emphasized that caring for the prisoners and their families, and for the families of the shahids and the injured, was “a national duty and a legal commitment of the Palestine Liberation Organization and State of Palestine, in order to provide the recipients with an honorable life after the Occupation made them victims of terror amid the world’s indifference....” The PNC added that “the prisoners and detainees, the shahids, and the protection of their families, are all a special national concern [because] they are the ones who struggled and sacrificed for the liberty of their nation; and the various Palestinian institutions will continue to care for them in full.”

57. Examination of documents produced by the PA and PLO, and deposition testimony by Defendants’ Rule 30(b)(6) witnesses in this action, confirms that the PA and PLO institutions responsible for transferring the payments to the families of shahids, and to prisoners, ex-prisoners,

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<sup>75</sup> The Palestinian government’s website published the essentials of cabinet session no. 117, July 12, 2021 (<http://www.palestinecabinet.gov.ps/portal/meeting/details/51782>).

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[https://www.wafa.ps/Pages/Details/27668?\\_cf\\_chl\\_jschl\\_tk\\_=pmd\\_TI2YrCIw1K4n2E5sVKb\\_e6gnDPe3kScicOJ64bXBUnqA-1630487491-0-gqNtZGzNAeWjcnBszQq9](https://www.wafa.ps/Pages/Details/27668?_cf_chl_jschl_tk_=pmd_TI2YrCIw1K4n2E5sVKb_e6gnDPe3kScicOJ64bXBUnqA-1630487491-0-gqNtZGzNAeWjcnBszQq9).

and the injured, by reason of their terrorist acts, have continued to make such payments after April 18, 2020, and that practice has continued through at least May 2021.

#### **IV. Summary of Suicide Terrorists**

58. I have reviewed documents concerning certain suicide terrorists and I summarize information about those individuals in the table below. The documents are all from public sources.

59. Most of the information in the table comes from the WAFA, the Palestine News & Information Agency, which is the official news agency of the PLO and the PA.<sup>77</sup> WAFA's website is active in Arabic, English, and French; WAFA and active Facebook and Twitter pages, with more than 270,000 followers. The President of the Palestinian Authority appoints the Chairman of WAFA's Board of Directors,<sup>78</sup> and its status as an official institution of the PLO and the PA is defined in Decree No. 6 of 2011.<sup>79</sup> That Decree provides that WAFA is "the official Palestinian agency for news and information" and "subordinated to the President, inasmuch as it is one of the institutions of the Palestine Liberation Organization." The Decree further states that WAFA will participate in the "implementation of the general policies of the Palestine Liberation Organization" (Article 4).

60. Unless otherwise indicated in the table, the information comes from WAFA. The table also includes information drawn from:

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<sup>77</sup> Information regarding WAFA may be found at the WAFA website (<https://info.wafa.ps/a>), the WAFA site on Facebook (<https://www.facebook.com/wafagency>), the WAFA account on Twitter ([https://twitter.com/wafa\\_ps?lang=en](https://twitter.com/wafa_ps?lang=en)), and in the WAFA entry in Guy Bechor's Lexicon of the PLO: People, Organizations, and Events, Third Edition, Israel Ministry of Defense Publishing House, 1999, page 192. (Hebrew).

<sup>78</sup> See, for example, the appointment of the present Chairman, Ahmad Assaf, on January 8, 2016: Resolution number 4 for 2016 in the Official Gazette of the Palestinian Authority; see also: [https://info.wafa.ps/userfiles/server/pdf/Palestinian\\_facts\\_number\\_117.pdf](https://info.wafa.ps/userfiles/server/pdf/Palestinian_facts_number_117.pdf), page 31.

<sup>79</sup> [https://www.lab.pna.ps/cached\\_uploads/download/2018/01/28/91-1517150637.pdf](https://www.lab.pna.ps/cached_uploads/download/2018/01/28/91-1517150637.pdf), pages 23–28.



- A. Shahid files produced by the Defendants (and, in the case of Abdel Hafez, the Police File referenced above);
- B. A 2010 doctoral thesis entitled “Palestinian Suicide Martyrs (Istishhadiyin): Facts and Figures” by sociologist Dr. Bassam Yousef Ibrahim Banat, who in conducting his research was granted “full cooperation” by the Institute, which gave him “a list of all of the Palestinian Martyrs and the way they implemented the martyrdom operations.”<sup>80</sup>

In the table, notes corresponding to the paragraph lettering above indicate the source. For example the letter “A” indicates that the information comes from shahid files produced by Defendants, and the letter “B” indicates that the information comes from doctoral thesis entitled “Palestinian Suicide Martyrs (Istishhadiyin): Facts and Figures.” Where no footnote appears, the source is WAFA.

61. Each of the following individuals died while perpetrating a terror attack on the date and in the place indicated:

No.	Date of Attack	Location	Individual Who Died Perpetrating Attack
1.	22 January 1995	Netanya (Beit Lid Jct.)	Anwar Mohammed Atiyyah Sukar
2.	22 January 1995	Netanya (Beit Lid Jct.)	Salah Abd al-Hamid Shaker Mohammad
3.	09 April 1995	Kfar Darom	Khaled Mohammad Mahmoud al-Khatib
4.	21 August 1995	Jerusalem	Sufyan Salem Abd Rabbo al-Jabarin
5.	25 February 1996	Jerusalem	Magdi Mohammad Abu Wardah <sup>B</sup>
6.	04 March 1996	Tel Aviv	Ramez Abed al-Kader Mohammad Abid
7.	30 July 1997	Jerusalem (Mahane Yehuda Market)	Muawiya Mohammad Ahmed Jarara
8.	04 September 1997	Jerusalem (Ben Yehuda St.)	Bashar Mohammad As’ad Sawalha

<sup>80</sup> Exhibit 13.

9.	04 September 1997	Jerusalem (Ben Yehuda St)	Yousef Jameel Ahmad Shuli
10.	04 September 1997	Jerusalem (Ben Yehuda St.)	Khalil Ibrahim Tawfiq Sharif
11.	28 March 2001	Neve Yamin	Fadi Attallah Yusuf Amer
12.	01 June 2001	Tel Aviv (Dolphinarium)	Said Hussein Hasan Hutari
13.	09 August 2001	Jerusalem	Izz al-Din Shuheil Ahmad al-Masri
14.	01 December 2001	Jerusalem (Ben Yehuda St.)	Nabil Mahmoud Al-Halabiah <sup>B</sup>
15.	01 December 2001	Jerusalem (Ben Yehuda St.)	Osama Mohammed Bahr <sup>B</sup>
16.	12 December 2001	Emmanuel (near)	Asem Yousef Mohamed Hamed (aka Assem Yousef Rihan)
17.	17 January 2002	Hadera	Abdul Salaam Sadek Mer'y Hassoun
18.	22 January 2002	Jerusalem (Jaffa Road)	Said Ibrahim Said Ramadan <sup>A</sup>
19.	16 February 2002	Karnei Shomron	Sadeq Abdel Hafez <sup>A</sup>
20.	21 March 2002	Jerusalem	Mohammed Mashhoor Mohammed Hashaika <sup>A</sup>
21.	27 March 2002	Netanya	Abdel-Basit Mohammed Qasem Odeh
22.	31 March 2002	Efrat	Jamil Khalaf Mustafa Hamed
23.	19 May 2002	Netanya	Osama Adel Mohammad Beshkar
24.	19 June 2002	Jerusalem (French Hill)	Sa'id Wadah Hamid Awada <sup>A</sup>
25.	31 August 2002	Har Bracha	Yusef Ibrahim Hasan Atalla
26.	27 October 2002	Ariel	Muhammed Kzid Faysal Bastami
27.	28 November 2002	Beit Shean	Omar Muhammad Awadh Abu al-Rab
28.	28 November 2002	Beit Shean	Yousef Muhammad Ragheb Abu al-Rab
29.	05 March 2003	Haifa	Mahmoud Omran Al-Qawasmeh <sup>B</sup>
30.	07 March 2003	Kiryat Arba	Muhsin Muhammad Omar al-Qawasmeh
31.	07 March 2003	Kiryat Arba	Fadi Ziyad Muhammad Fakhoury
32.	18 May 2003	Jerusalem	Basem Jamal Darwish al-Takruri
33.	11 June 2003	Jerusalem	Abdel-Muti Mohammad Saleh Shabaneh
34.	19 August 2003	Jerusalem	Raed Abdel-Hamid al-Razaq Misk
35.	09 September 2003	Jerusalem	Ramiz Fahmi Izz al-Din Abu Salim
36.	04 October 2003	Haifa	Hanadi Taysir Abd al-malik Jaradat
37.	29 January 2004	Jerusalem	Ali Ja'ara <sup>A</sup>
38.	22 September 2004	Jerusalem	Zaynab Ali Isa Abu Salem
39.	17 April 2006	Tel Aviv	Samer Samih Mohammad Hammad
40.	06 March 2008	Jerusalem	Alaa Hisham Abu Dheim
41.	22 October 2014	Jerusalem	Abdel Rahman Idris al-Shaludi
42.	18 November 2014	Jerusalem	Uday Abu Jamal

43.	18 November 2014	Jerusalem	Ghassan Muhammad Abu Jamal
44.	13 October 2015	Jerusalem	Bahaa Muhammad Khalil Alyan
45.	30 June 2016	Kiryat Arba	Mohammad Naser Mahmoud Tarayreh
46.	08 January 2017	Jerusalem	Fadi Ahmad Hamdan Al-Qunbar
47.	16 August 2019	Elazar	Ala' Khader al-Hreimi

62. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 2, 2021



Arie Dan Spitzen